

S.R. 435 - By Caperton: Extending congratulations to Daniel R. Richey on achieving the rank of Eagle Scout.

S.R. 446 - By Uribe: Extending congratulations to the Xochil Art Institute for its contributions to the arts.

S.R. 447 - By Dickson: Extending congratulations to Evant Elks High School basketball team on their outstanding basketball season.

S.R. 448 - By Barrientos: Extending congratulations to the San Marcos First Christian Church on the completion of their magnificent new home.

S.R. 449 - By Caperton: Extending congratulations to Samuel J. Richey on attaining the rank of Eagle Scout.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:40 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 17, 1989)

S.C.R. 67
S.C.R. 96
S.C.R. 104
S.C.R. 111
S.B. 10
S.B. 41
S.B. 229
S.B. 785
S.B. 847
S.B. 1136

FORTY-FIFTH DAY (Tuesday, April 18, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Everett Cain, Rector, Good Shepherd Episcopal Church, Austin, offered the invocation as follows:

Almighty God, who has given us this good land for our heritage, we humbly pray that we may always prove ourselves a people who remember the grace You have bestowed upon us.

Bless our land with honorable industry, sound learning and kind actions to one another. Deliver us from violence, discord and confusion; from pride and arrogance and from false choices.

Fill our hearts with thankfulness and when we are troubled let us never fail to put our trust in You.

This day we commend this nation and this State to Your merciful care, that being guided by Your Providence, we may dwell secure in Your peace. Grant to the President of the United States, the Governor of this State and to all in authority, wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to public service.

Guide and bless our Senators and Representatives in the Legislature of this State that they may enact such laws as shall please You and glorify Your Holy name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.B. 12
S.B. 192
S.B. 453
H.B. 618
H.B. 750
H.C.R. 84
H.C.R. 171
H.C.R. 191
H.C.R. 199

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1992, Relating to contracts between counties and the Texas Board of Corrections and between counties and private vendors for the provision of correctional facilities.

H.B. 1407, Relating to financing of the Texas Low-Level Radioactive Waste Disposal Authority.

H.B. 596, Relating to the appointment of a permanent guardian for a minor.

H.B. 1556, Relating to the appointment of an inmate as a trusty of the Texas Department of Corrections.

H.B. 879, Relating to the preparation of a social study in certain suits affecting the parent-child relationship.

H.B. 2079, Relating to acts of public agencies that jointly own one or more airports pursuant to joint action agreements.

H.B. 1594. Relating to the regulation of managing general agents.

S.B. 96. Relating to foreign exchange teachers.

S.B. 529. Relating to the continuation, name change and operation of the Natural Fibers and Food Protein Commission.

S.B. 444. Relating to coding of certain plastic containers to facilitate recycling; providing a civil penalty.

H.C.R. 123. Instructing the State Board of Insurance to reassign furniture stores to more accurate classifications.

H.C.R. 96. Requesting Congress to increase the income tax exemption for dependent children.

H.C.R. 106. Memorializing Congress to lower the age of eligibility for participation in JTPA-funded programs for dropout prevention.

H.C.R. 143. Creating the committee to select the Poet Laureate of Texas.

H.C.R. 129. Designating the Long-Term Care Coordinating Council for the Elderly as the entity to plan and implement the awareness campaign for "Texas' Senior Year."

H.C.R. 92. Directing the coordinating board to study all issues and concerns relating to the nursing shortage.

H.C.R. 212. Commending Ben Brown, 1989 Texas State Poster Child.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 1507

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 184

S.B. 1020 (Amended)

C.S.S.B. 851

C.S.S.B. 795

Senator Montford submitted the following report for the Committee on State Affairs:

S.B. 762

S.B. 1106

S.B. 1286

C.S.S.B. 665

C.S.S.B. 46

C.S.S.B. 677

C.S.S.B. 931

Senator Caperton submitted the following report for the Committee on Finance:

C.S.S.B. 1000
C.S.S.B. 693
C.S.S.B. 365
C.S.S.B. 73

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

S.B. 920
S.B. 786
S.B. 874
C.S.S.B. 582
C.S.S.B. 1051

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 61, To Committee on Administration.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 119 by Brooks, Zaffirini Health and Human Services
Directing the Texas Department of Human Services to establish and convene a task force to help implement a case manager program.

S.B. 1710 by Glasgow Health and Human Services
Relating to the creation, administration, powers, duties, operation, and financing of the Eastland Memorial Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

S.B. 1711 by Brooks, Zaffirini Health and Human Services
Relating to sexual assault prevention and crisis services.

S.B. 1712 by Brooks, Parker Health and Human Services
Relating to the creation, administration, powers, duties, operations, functions, and financing of the Texas Health Insurance Risk Pool.

S.B. 1713 by Brown Intergovernmental Relations
Relating to the use of certain municipal hotel occupancy tax revenue for manned space flight tourism facilities.

S.B. 1714 by Parmer Health and Human Services
Relating to the aid for families with dependent children program.

S.B. 1715 by Montford Natural Resources
Relating to the administration, boundaries, powers, duties, financing, and validation of the Lubbock County Water Control and Improvement District No. 1, of Lubbock County, Texas, including the power to levy taxes, issue bonds, take property by eminent domain, and impose penalties.

S.B. 1716 by Washington Economic Development
Relating to coverage of certain condominiums under homeowners insurance.

S.B. 1717 by Washington Criminal Justice
Relating to the appointment of hearing officers for criminal and mental health cases in certain courts.

S.B. 1723 by Parker State Affairs
Relating to the application of the Texas Sunset Act to the Public Utility Commission and the Office of Public Utility Counsel.

CO-AUTHOR OF SENATE BILL 286

On motion of Senator Sims and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 286**.

CO-AUTHOR OF SENATE BILL 421

On motion of Senator Brown and by unanimous consent, Senator Bivins will be shown as Co-author of **S.B. 421**.

CO-AUTHOR OF SENATE BILL 1107

On motion of Senator Carriker and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 1107**.

CO-AUTHORS OF SENATE BILL 1206

On motion of Senator Santiesteban and by unanimous consent, Senators Armbrister, Montford, Sims and Zaffirini will be shown as Co-authors of **S.B. 1206**.

CO-AUTHOR OF SENATE BILL 1351

On motion of Senator Carriker and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 1351**.

CO-AUTHOR OF SENATE BILL 1527

On motion of Senator Zaffirini and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 1527**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 75

On motion of Senator Santiesteban and by unanimous consent, Senators Armbrister and Sims will be shown as Co-authors of **S.C.R. 75**.

CO-SPONSOR OF HOUSE BILL 225

On motion of Senator Brown and by unanimous consent, Senator Green will be shown as Co-sponsor of **H.B. 225**.

SENATE RESOLUTION 459

Senator Ratliff offered the following resolution:

WHEREAS, The economic future and well-being of the State of Texas lies with the ability, education, and initiative of its young people; and

WHEREAS, It is these individuals who will be in large part responsible for transforming Texas into a technologically oriented society; and

WHEREAS, The Texas Society of Professional Engineers, through the MATHCOUNTS program, is striving to prepare these students for the challenges ahead; and

WHEREAS, MATHCOUNTS is a national program designed to encourage seventh and eighth grade students to enhance their math skills and to reward these "mathletes" for their superior skill and efforts; and

WHEREAS, Nationally recognized by the president of the United States, the vice-president, and members of congress, as well as by the secretary of education,

the National Council of Teachers of Mathematics, and the National Science Foundation, the program receives financial and administrative support from the National Society of Professional Engineers, CNA Insurance Companies, NASA, and others; and

WHEREAS, The Texas program is privileged to have as its Honorary Chairman Peter O'Donnell of the O'Donnell Foundation in Dallas, and is recognized by the Texas State Board of Education; and

WHEREAS, Texas MATHCOUNTS derives its financial support from the generosity of such corporate leaders as ARCO Foundation; Aluminum Company of America; Chevron, U.S.A.; Exxon Company, U.S.A.; H. B. Zachry Company; The Linbeck Foundation; O'Donnell Foundation; Tandy Corporation; Texas Instruments; Texas-New Mexico Power Company; Texas Utilities Services, Inc.; Tracor; and the Radian Corporation; and

WHEREAS, Texas students consistently have finished in the top 15 at the national competition, both individually and as a team; and

WHEREAS, This year's Texas MATHCOUNTS Team consists of John T. Casey of Arlington, Daniel Cohan of Dallas, Kurt Oehler of Austin, David Kneip of Temple, and Coach Sandra Freeman of Dallas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby commend and applaud these students and their peers for their contribution to the future of Texas and send with the Texas MATHCOUNTS Team best wishes for continued success in the areas of mathematics, science, and technology; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of the "Texas Team" as an expression of esteem and respect from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Ratliff introduced the following members of the MATHCOUNTS team: John T. Casey of Arlington, Daniel Cohan of Dallas, Kurt Lee Oehler of Austin, David Kneip of Temple and their teacher/coach Sandra Freeman of Dallas.

As these guests were welcomed, they were escorted to the President's Rostrum to receive the congratulations of the President and an enrolled copy of S.R. 459.

SENATE RESOLUTION 426

Senator Sims offered the following resolution:

S.R. 426, Commending the vocational agriculture teachers of Texas for their outstanding efforts to improve and advance agriculture in Texas and the nation.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Sims introduced a large delegation of vocational agriculture teachers seated in the Senate Gallery.

The Senate welcomed these guests and extended appreciation for their dedicated teaching.

GUEST PRESENTED

Senator Dickson was recognized and presented Dr. Don Cauthen of Temple.

The Senate welcomed Dr. Cauthen, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

HOUSE CONCURRENT RESOLUTION 212

The President laid before the Senate the following resolution:

WHEREAS, The Texas Legislature is proud to honor 10-year-old Ben Brown, who is currently representing the Muscular Dystrophy Association as the 1989 Texas State Poster Child; and

WHEREAS, This fine young man is a resident of Baytown where he lives with his parents, Carole and Gary Brown, and his younger brother Christopher; a fourth grader at Harlem Elementary School, he is an excellent student who enjoys reading and participating on his local YMCA swim team; and

WHEREAS, Despite a diagnosis of Charcot-Mario-Tooth disease, Ben is a friendly, outgoing boy who is leading an active childhood; he served as the Houston Gulf Coast MDA Poster Child in 1988 and has appeared on the Houston Jerry Lewis Labor Day Telethon to help raise funds for the research and treatment of neuromuscular diseases; and

WHEREAS, Ben's efforts on behalf of the Muscular Dystrophy Association will help to underwrite the costs of research into a promising new "cell therapy" technique, to be used as a treatment for muscular dystrophy and other muscle-wasting diseases; involving the injection of healthy immature muscle cells into diseased muscle tissue, this technique has been characterized as the most exciting breakthrough to date in the history of muscle disease research; and

WHEREAS, In helping to educate the public about such research, this courageous young Texan has already demonstrated his effectiveness as a spokesperson for the Muscular Dystrophy Association; as the 1989 Texas State Poster Child, Ben will surely continue his valuable contributions in the fight against neuromuscular diseases; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas hereby commend Ben Brown on his outstanding contributions as the 1989 Texas State Poster Child for the Muscular Dystrophy Association; and, be it further

RESOLVED, That an official copy of this resolution be prepared for him as an expression of highest regard from the Texas House of Representatives and Senate.

The resolution was read.

On motion of Senator Green and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

GUESTS PRESENTED

Senator Green introduced Ben and his parents, Carole and Gary Brown.

The Senate welcomed these guests as they were escorted to the President's Rostrum.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 18, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE SECURITIES BOARD, FOR A TERM
TO EXPIRE JANUARY 20, 1995:

DUNCAN E. BOECKMAN
5380 Nakoma Drive
Dallas, Texas 75209

Mr. Boeckman will be replacing Robert K. Utley III of Temple, whose term expired.

TO BE A MEMBER OF THE NUECES RIVER AUTHORITY BOARD OF
DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

BRUCE TERRY FOSTER
Drawer E
Hondo, Texas 78861

Mr. Foster will be replacing Charles S. Carr of Pleasanton, whose term expired.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL
BOARD, FOR A TERM TO EXPIRE AUGUST 30, 1990:

JIMMY L. HORNER
Rt. 1, Box 51-B
Decatur, Texas 76234

Mr. Horner will be filling the unexpired term of Nester M. Macho of Dallas, who resigned.

TO BE A MEMBER OF THE TEXAS NATIONAL RESEARCH
LABORATORY COMMISSION, FOR A TERM TO EXPIRE FEBRUARY 1,
1995:

PETER O'DONNELL, JR.
3366 InterFirst One
Dallas, Texas 75202

Mr. O'Donnell is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE BILL 1427 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1427, Relating to liability of subscribers and shareholders of Texas business corporations.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1427 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1427** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Tejeda, Washington, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 1248 ON SECOND READING

Senator Johnson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1248, Relating to information on a birth certificate entitled “For Medical and Health Use Only”; providing criminal penalties.

There was objection.

Senator Johnson then moved to suspend the regular order of business and take up **S.B. 1248** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Caperton, Glasgow, Krier, Ratliff.

Absent: Santiesteban, Washington.

The bill was read second time.

Senator Johnson offered the following committee amendment to the bill:

Amend **S.B. 1248** at page 1, line 20 by placing the following between the words “personnel” and “or”:

. . . of a health care entity as that term is defined in Article 4495(b) V.T.C.S.
Page 2, line 7 by placing the following between “comma” and the word “or”:
or knowingly induces or causes another to violate this section.”

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 1248 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1248** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Caperton, Glasgow, Krier, Ratliff.

Absent: Santiesteban, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 58, Relating to the amounts of certain annuities payable by the Employees Retirement System of Texas. (As amended)

S.B. 1122, Relating to the continuing education requirements for a county treasurer.

S.B. 954, Relating to the composition, operation and dissolution of the Deaf Smith County Hospital District. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 771 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 771, Relating to the sale, lease, transfer, and cancellation of certain business opportunity contracts or agreements.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 771 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 771** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 480 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 480, Relating to registered nurses administering medications prescribed by persons licensed by the Texas State Board of Podiatry Examiners.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 480 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 480** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1084 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1084, Relating to the amount of liability insurance coverage that may be required to support an indemnity obligation in certain mineral agreements.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 1084** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 127.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 127.001. DEFINITIONS. In this chapter:

(1) "Agreement pertaining to a well for oil, gas, or water or to a mine for a mineral" means:

(A) a written or oral agreement or understanding concerning the rendering of well or mine services; or

(B) an agreement to perform a part of those services or an act collateral to those services, including furnishing or renting equipment, incidental transportation, or other goods and services furnished in connection with the services.

(2) "Mutual indemnity obligation" means an indemnity obligation in any agreement pertaining to a well for oil, gas, or water or to a mine for a mineral in which the parties agree to indemnify each other on substantially the same terms and conditions against loss or liability for damage arising out of or resulting from the performance of the agreement.

(3) ~~(2)~~ "Well or mine service" includes:

(A) drilling, deepening, reworking, repairing, improving, testing, treating, perforating, acidizing, logging, conditioning, or otherwise rendering services in connection with a well drilled to produce or dispose of oil, gas, other minerals or water; and

(B) designing, excavating, constructing, improving, or otherwise rendering services in connection with a mine shaft, drift, or other structure intended for use in exploring for or producing a mineral.

(4) ~~(3)~~ "Wild well" means a well from which the escape of oil or gas is not intended and cannot be controlled by equipment used in normal drilling practice.

(5) "Unilateral indemnity obligation" means an indemnity obligation in any agreement pertaining to a well for oil, gas, or water or to a mine for a mineral in which one of the parties agrees to indemnify the other party against

loss or liability for damage arising out of or resulting from the performance of the agreement.

SECTION 2. Section 127.005, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 127.005. **INSURANCE COVERAGE.** (a) This chapter does not apply to an agreement that contains a unilateral or mutual [provides for] indemnity obligation with respect to claims for personal injury or death to the indemnitor's employees or agents or to the employees or agents of the indemnitor's subcontractors if the parties agree in writing that the indemnity obligation will be supported by available liability insurance coverage to be furnished by the indemnitor.

(b) A mutual [~~The~~] indemnity obligation is limited to the extent of the coverage and dollar limits of insurance the indemnitor has agreed to furnish.

(c) With respect to a unilateral indemnity obligation, the [~~The~~] amount of insurance required may not exceed 20 [~~12~~] times the state's basic limits for personal injury, as approved by the State Board of Insurance in accordance with Article 5.15, Insurance Code.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1084 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 1084 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 290 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 290, Relating to the filing deadline for the general primary election.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 290 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 290 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1321 ON SECOND READING**

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1321, Relating to mechanic's liens and to bonds of public works contractors.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1321 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1321** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 876 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 876, Relating to the regulation of certain athlete agents.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 876 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 876** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 594 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 594, Relating to the membership, powers, and duties of the State Preservation Board.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 594 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 594** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 983 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 983, Relating to the establishment and administration of a state funding program by the Office of Court Administration of the Texas Judicial System for the benefit of court-appointed volunteer advocate programs.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 983 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 983** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1510 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1510, Relating to amending Section 87.201, Texas Education Code, to name the Texas Institute of Oceanography as a program of Texas A&M University at Galveston.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1510 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1510** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 667 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 667, Relating to tuition paid by certain foreign students enrolled in a public senior college or university, a public junior college, the Texas State Technical Institute, and the Texas A&I University Citrus and Vegetable Training Center at Weslaco.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Bivins and Haley asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 667 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 667** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Haley, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Bivins and Haley asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1572 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1572, Relating to statements of cause of discharge of child care workers.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1572 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1572** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 66 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 66, Requesting certain professional schools to require instruction in industrial hygiene and safety, occupational medicine and occupational health nursing.

The resolution was read second time and was adopted viva voce vote.

RECORD OF VOTE

Senator Krier asked to be recorded as voting "Nay" on the adoption of the resolution.

**COMMITTEE SUBSTITUTE
SENATE BILL 936 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 936, Relating to medical and hospitalization self-insurance plans and insurance for counties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 936 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 936** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
April 18, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 329, Relating to voting on election day at an absentee polling place by a disabled voter.

H.B. 1870, Relating to a comprehensive plan adopted by a municipality.

H.B. 333, Relating to the inspection by a peace officer of the inventory, premises and records of an automobile salvage dealer.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1284 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1284, Relating to certain traffic conviction reports.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1284 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1284** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 370 ON SECOND READING**

Senator Santiesteban moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 370, Relating to the creation, administration, and powers of the Texas Rivers Protection System; providing civil and criminal penalties.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Barrientos, Caperton, Carriker, Edwards, Glasgow, Green, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Farmer, Ratliff, Santiesteban, Tejeda, Truan, Washington, Whitmire.

Nays: Bivins, Brooks, Brown, Dickson, Haley, Montford, Sims, Zaffirini.

Absent: Harris, Uribe.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend **C.S.S.B. 370** by striking Subchapter C and inserting in lieu thereof the following:

SUBCHAPTER C. PROTECTED RIVER SEGMENTS

Sec. 27.041. DESIGNATION OF PROTECTED RIVER SEGMENTS. The following are designated as protected river segments:

(a) Buffalo Bayou in Harris County from the Woodway Bridge at Memorial Park to the Shepherd Drive Bridge in Houston;

(b) Neches River in Tyler, Jasper, Hardin, and Orange counties from Town Bluff Dam to the Jefferson County line; and

(c) San Marcos River in Hays, Caldwell, Guadalupe, and Gonzales counties from Spring Lake Dam to its entrance into the Guadalupe River.

Sec. 27.042. MANDATED STUDIES OF POTENTIAL PROTECTED RIVER SEGMENTS. (a) The department shall conduct a separate study of each of the following river segments for the purpose of determining if the respective segment, or a portion thereof, should be included in the system:

(1) Colorado River in Travis, Bastrop, and Fayette counties from U. S. Highway 183 to Texas Highway 71 at La Grange;

(2) Guadalupe River in Kendall and Comal counties from Interstate Highway 10 at Comfort to the entrance of Rebecca Creek;

(3) Neches River in Anderson, Cherokee, Houston, Trinity, Polk, Angelina, Tyler, and Jasper counties from U. S. Highway 84 to B. A. Steinhagen Reservoir; and

(4) the Elm Fork of the Trinity River in Denton and Dallas counties from State Highway 121 to its confluence with the West Fork of the Trinity River.

(b) Each study conducted by the department under this Section shall meet the requirements outlined for studies in subsections (b) and (c) of Section 27.016 of this chapter.

(c) A report and recommendations resulting from a study mandated under this Section shall be submitted to the legislature no later than January 1, 1991.

(d) The provisions of Sec. 27.020 of this chapter shall apply to each river segment mandated for study under subsection (a) of this section until September 1, 1991 in order for the respective studies to be conducted and for the legislature to consider the recommendations resulting from each study. As of September 1, 1991 the provisions of Sec. 27.020 of this chapter shall no longer apply to a river segment mandated for study under subsection (a) of this section unless the legislature designates the respective river segment for inclusion in the system.

The amendment was read and was adopted viva voce vote.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 370 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 370 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 9. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Brooks, Caperton, Carriker, Edwards, Glasgow, Green, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Parmer, Ratliff, Santiesteban, Tejeda, Truan, Whitmire.

Nays: Armbrister, Bivins, Brown, Dickson, Haley, Montford, Sims, Washington, Zaffirini.

Absent: Harris, Uribe.

SENATE BILL 330 ON SECOND READING

Senator Caperton moved to suspend the regular order of business to take up for consideration at this time:

S.B. 330, Relating to the provision for spousal maintenance after the dissolution of certain marriages or putative marriages and providing enforcement procedures.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brooks, Green, Montford, Washington.

Absent: Harris, Uribe.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 330 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 330 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Whitmire, Zaffirini.

Nays: Bivins, Brooks, Green, Montford, Washington.

Absent: Harris, Uribe.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 468 ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 468, Relating to the inheritance rights of illegitimate children.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend **C.S.S.B. 468** by adding the following to Section 2 thereof:

Any litigation pending on the effective date seeking to establish paternal inheritance shall be tried in accordance with the provisions of Section 42(b) Texas Probate Code existing prior to such effective date.

The amendment was read and was adopted viva voce vote.

On motion of Senator Washington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 158 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 158, Relating to the organization, powers, and duties of the energy management center of the office of the governor.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 158** in SECTION 1 by striking Sec. 447.003, Government Code in its entirety and inserting in lieu thereof the following:

"Sec. 447.003. LIAISON TO FEDERAL GOVERNMENT. The energy management center [efficiency division] shall serve as the state liaison to the federal government for the implementation and administration of federal programs relating to state agency energy conservation. In that capacity, the center [division] shall administer [any] state programs established under:

- (1) Part D, Title III, Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);
- (2) Part G, Title III, Energy Policy and Conservation Act (42 U.S.C. 6371 et seq.);
- (3) the National Energy Extension Service Act (42 U.S.C. 7001 et seq.; and [or]
- (4) other federal energy conservation programs as may be assigned to the center by the governor or legislature [the Energy Research and Development Administration appropriation authorization (42 U.S.C. 5907A et seq.)]."

The amendment was read and was adopted viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 158 in SECTION 1 by striking Sec. 447.010, Government Code in its entirety and inserting in lieu thereof the following:

"Sec. 447.010. ENERGY-SAVING DEVICES OR MEASURES. Upon approval by the energy management center, a [A] state agency that reduces its energy expenses [through the use of energy saving devices or measures recommended by the energy efficiency division during an audit conducted under Section 447.009] may use any funds saved by the agency from appropriate utility [expense] funds for the [installment] purchase of [the] energy-saving devices [device] or measures. For purposes of this section, "energy-saving device or measure" means a device or measure that directly reduces [the] energy costs or the consumption of a lighting, heating, ventilating, or air conditioning system or of other equipment that uses electricity, [water,] natural gas, fuel oil, or any other energy source without materially altering the quality of such lighting, heating, ventilating, air conditioning, or other energy consuming system."

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 158 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 158 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

HOUSE CONCURRENT RESOLUTION 159 REREFERRED

On motion of Senator Carriker and by unanimous consent, **H.C.R. 159** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Economic Development.

SENATE BILL 1694 REREFERRED

On motion of Senator Parmer and by unanimous consent, **S.B. 1694** was withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Intergovernmental Relations.

SENATE RULE 7.22(b) SUSPENDED

On motion of Senator Bivins and by unanimous consent, Senate Rule 7.22(b) was suspended as it relates to the House amendment to **S.B. 954**.

SENATE BILL 954 WITH HOUSE AMENDMENT

Senator Bivins called **S.B. 954** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment - Smithee

Amend **S.B. 954** on page 4 by striking lines 7-9 and substituting the following: and a qualified voter. Neither the administrator nor an employee of the district shall be eligible to serve

The amendment was read.

Senator Bivins moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 954** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Bivins, Chairman; Uribe, Brooks, Tejeda and Edwards.

SENATE BILL 95 WITH HOUSE AMENDMENT

Senator Parker called **S.B. 95** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment - Berlanga

Amend **S.B. 95** as follows:

Delete section 1(d) and replace with the following:

(d) The State Board of Education shall not adopt any policy, rule, regulation, or other plan which would require any school district within the state, as a prerequisite for accreditation or other approval, to hire any supervisor or any guidance counselor without appropriate state funding.

The amendment was read.

Senator Parker moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 95** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Parker, Chairman; Zaffirini, Johnson, Barrientos and Truan.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might consider **S.B. 269** tomorrow at 9:00 a.m.

MEMORIAL RESOLUTION

S.R. 469 - By Uribe: In memory of Matilde Camacho de Chavez.

CONGRATULATORY RESOLUTIONS

S.R. 461 - By Brooks: Extending congratulations and appreciation to Mayor Jan Coggeshall of Galveston.

S.R. 462 - By Harris: Extending congratulations to Highland Park Department of Public Safety.

S.R. 463 - By Harris: Extending congratulations to the Carrollton Police Department.

S.R. 464 - By Barrientos: Acknowledging the accomplishments of the Scheib Opportunity Center program and its board of directors on behalf of the mentally disabled.

S.R. 465 - By Barrientos: Extending congratulations to Motorola Incorporated on receiving the Malcolm Baldrige National Quality Award.

S.R. 466 - By Barrientos: Extending congratulations to San Marcos High School for its drug-free program.

S.R. 467 - By Barrientos: Commending David L. Houston, Jr., for his dedicated efforts toward being a winner and for motivating his friends to become winners as well.

S.R. 468 - By Barrientos: Commending Kenny J. Wrubel for his dedicated efforts toward being a winner and for motivating his friends to become winners as well.

S.R. 470 - By Uribe: Paying tribute to the life of service of Celia Hare Martin.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:59 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(April 13, 1989)

H.C.R. 177

Sent to Governor
(April 18, 1989)

S.B. 12

S.B. 192

S.B. 453